

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

FILED
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U.S. DISTRICT COURT E.D.N.Y.

★ APR 16 2019 ★

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MARIA CORREA,

Plaintiff,

-against-

YRC WORLDWIDE, INC., YRC FREIGHT,
AND JOHN DOE,

Defendants.
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NOT FOR PUBLICATION
MEMORANDUM & ORDER
19-CV-1564 (CBA) (RLM)

BROOKLYN OFFICE

AMON, United States District Judge:


On March 19, 2019, Defendants YRC Worldwide, Inc. and YRC Freight (collectively, “YRC”) removed this personal injury action to this Court. (D.E. # 1.) On March 28, 2019, the Honorable Roanne L. Mann, United States Magistrate Judge, issued a sua sponte Report & Recommendation (“R&R”) recommending that this Court remand the action to the Supreme Court of New York, Queens County, because YRC failed to provide any statement of the grounds for removal and because Plaintiff’s allegations did not establish that the amount in controversy exceeds the jurisdictional threshold for diversity jurisdiction. (D.E. # 7.) On April 10, 2019, YRC filed a letter response to the R&R, indicating that YRC “consent[s] to the remand of this case back to State Court without prejudice for a subsequent removal once plaintiff responds to our demand for damages that will be promptly served.” (D.E. # 10.)

When deciding whether to adopt an R&R, a district court “may accept, reject, or modify, in whole or in part, the findings or recommendations made by the magistrate judge.” 28 U.S.C. § 636(b)(1). To accept those portions of the R&R to which no timely objection has been made, “a district court need only satisfy itself that there is no clear error on the face of the record.” Nelson v. Smith, 618 F. Supp. 1186, 1189 (S.D.N.Y. 1985). In this case, YRC has consented to the remand of this action to state court.

The Court has reviewed the R&R and the record and, finding no clear error, adopts the well-reasoned R&R as the opinion of the Court. The case is remanded to the Supreme Court of New York, Queens County. The Clerk of Court is directed to close the case.

SO ORDERED.

Dated: April 15, 2019
Brooklyn, New York


s/Carol Bagley Amon
Carol Bagley Amon
United States District Judge 